

Serial No. 10/734,288  
Response dated December 16, 2004 In  
Reply to Office Action of September 29, 2004

### REMARKS / ARGUMENTS

In the specification, each of Paragraph Nos. 0011-0012 and 0017 have been amended to ensure that there is clear support contained in the specification for the currently amended claims. In this regard, it is the Applicant's respectful submission that no new matter has been introduced into the specification.

Claims 1 and 3-18 remain in this application. Claim 2 has been cancelled, following the incorporation of its limitations into Claim 1. Claims 1, 3, 6, 9, 11 and 12 have been currently amended. In this regard, it is the Applicant's respectful submission that no new matter has been introduced into the claims, and moreover that all of the claimed matter was described in the application as originally filed or was reasonably inferable therefrom.

Claim 6 has been amended to correct a clerical error and thereby conform the wording with the specification as originally filed at paragraph 14, line 8 and paragraph 29, line 15.

In the Office action dated September 29, 2004, the Examiner *inter alia* objected to Claims 2, 9 and 12, under 35 U.S.C. § 112 second paragraph, as being indefinite due to the inclusion of the impugned phrase "as aforesaid", and/or for failing to positively recite any structure of the floating member which would render it capable of dispensing a disinfectant agent. It will be appreciated that, with this amendment, Claim 2 has been hereby cancelled. Further, the impugned phrase "as aforesaid" has been deleted from each of currently amended Claims 9 and 12. In addition, and in full compliance with the Examiner's suggested amendment, currently amended Claim 12 now also positively recites that the floating member includes means for dispensing a disinfectant agent into a recirculating fluid. In this light, the Applicant respectfully submits that each of the claims of the present application is now directed to definite and allowable subject matter, and as such, the Applicant hereby respectfully requests that the Examiner withdraw each of his previous § 112 objections thereto.

In further compliance with the Examiner's suggested amendments, currently amended Claim 11 replaces the impugned phrase "a group consisting of" with the proper Markush language "the group consisting of". In this light, the Applicant respectfully requests reconsideration and withdrawal of the Examiner's previous objection to Claim 11.

Notably, in the aforementioned Office action, the Examiner also rejected Claim 1, under 35 U.S.C. § 102, as being anticipated by each of U.S. Patent Nos. 4787929 (Cole *et al.*), 5084171 (Murphy *et al.*), 5258127 (Gsell *et al.*), 5618425 (Mitamura *et al.*), and 5676839 (Shippert), and as being further anticipated by U.S. Patent Application Publication No. 2004/0134858 (Clukies). First, the Applicant respectfully directs the Examiner's attention to currently amended Claim 1 wherein, in

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contradistinction with each of the cited Cole, Gsell, and Mitamura references, the securing means has been specified as ensuring the *buoyancy* of the absorbent body member of the cleaning device substantially adjacent to, and in *floating relation* with, the fluid surface level of the recirculating fluid system. In this regard, it is the Applicant's respectful submission that, rather than disclosing a *buoyant* absorbent body member or one that is otherwise adapted to *float* substantially adjacent to a fluid surface level, each of the cited Cole, Gsell, and Mitamura references discloses a member that is adapted to be rigidly supported in restrained (i.e., non-floating and non-buoyant) relation. It is, therefore, the Applicant's respectful submission that currently amended Claim 1 is not anticipated by any of the cited Cole, Gsell, or Mitamura references.

Next, and in contradistinction with each of the cited Murphy and Shippert references, Claim 1 has been currently amended to further specify that the securing means of the Applicant's cleaning device includes a *substantially central aperture* that has been formed at least partway *through a bottom surface* of the absorbent body member to provide a substantially continuous interior securing surface. In this regard, it is the Applicant's respectful submission that neither the cited Murphy reference nor the cited Shippert reference discloses a cleaning device having a central aperture of this nature. As such, the Applicant also respectfully submits that currently amended Claim 1 is not anticipated by either of the cited Murphy or Shippert references.

Lastly, in contradistinction with the cited Clukies reference, the *substantially continuous* interior securing surface that is claimed in currently amended Claim 1 is further specified therein as being adapted to removably secure the absorbent body member to the floating member *in substantially fixed relation*. In this regard, the Applicant respectfully submits that any body member that may be disclosed by the cited Clukies reference does not have (1) a *substantially continuous* interior securing surface that is adapted to securely engage a secondary member, (2) in *substantially fixed* relation. That is, it is the Applicant's respectful position that, rather than disclosing a substantially continuous interior securing surface that is adapted in the manner aforesaid, the body member disclosed by the cited Clukies reference is secured to the secondary member by *two discrete portions* of a partially interior surface thereof. It is also the Applicant's respectful position that the Clukies body member is not substantially *fixed* to anything, but rather, the Clukies body member is particularly designed to float, up and down, with the fluid surface level of the system in moving relation to its secondary member. It is, therefore, the Applicant's further respectful submission that currently amended Claim 1 is not anticipated by the cited Clukies reference.

In light of each of the amendments and respectful submissions made hereinabove, the Applicant respectfully requests that the Examiner reconsider and withdraw each of his aforementioned § 102 objections to currently amended Claim 1, which claim is now respectfully submitted to be directed to allowable subject matter.

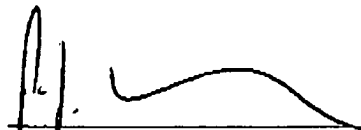
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It is also respectfully submitted that each of Claims 3-11 and 13-18, as depending directly or indirectly from one of currently amended Claims 1 and 12, is also now directed to allowable subject matter and, therefore, their reconsideration is also hereby respectfully requested.

Reconsideration of the above-identified application in view of the preceding amendments and submissions, with a view toward timely issuance of a Notice of Allowance, is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted

Date: Dec. 16/04



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#### CERTIFICATE OF TRANSMISSION

I hereby certify that this 7 page Response (exclusive of cover sheet) for Application Serial No. 10/734,266 is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 1-703-872-9306) on December 16, 2004.

Patrick J. Hofbauer

  
Signature